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SPECIFIC GROUPS AND INDIVIDUALS: MINORITIES

Rights of persons belonging to national or ethnic, religious and linguistic minorities

Report of the International Seminar on Cooperation for the Better Protection of the Rights of Minorities

(Durban, South Africa, 1, 2 and 5 September 2001)

Note by the High Commissioner for Human Rights

The High Commissioner for Human Rights has the pleasure to transmit to the Commission on Human Rights the report of the International Seminar on Cooperation for the Better Protection of the Rights of Minorities, on behalf of the Chairperson-Rapporteur, Mr. Asbjørn Eide.

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Chairperson-Rapporteur: Mr. Asbjørn Eide

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I. INTRODUCTION

1. The International Seminar on Cooperation for the Better Protection of the Rights of Minorities was held in Durban, South Africa, on 1, 2 and 5 September 2001. The request for such a seminar was contained in Commission resolution 2000/52, which was then endorsed by the Economic and Social Council in its decision 2000/269 of 28 July 2000, in which it "approved the Commission's appeal to the Office of the United Nations High Commissioner for Human Rights to consider favourably the recommendation of the Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights to organize a seminar for representatives of international and regional organizations, treaty bodies and specialized agencies to discuss issues concerning their respective work on the protection of minorities, improve coordination so as to reduce duplication and parallel activities, exchange information and seek ways of better protecting the rights of persons belonging to minorities".

2. The main agenda items of the seminar were: the relationship between the prevention of racial discrimination and the protection of minorities; facilitating cooperation between international, regional and national bodies and human rights mechanisms for the better protection of the rights of minorities; mainstreaming minority rights in development assistance and cooperation as one means of preventing conflict; and conclusions and recommendations.

II. OPENING OF THE SEMINAR

3. The High Commissioner for Human Rights opened the seminar and took the opportunity to launch the new United Nations Guide for Minorities* and to introduce the Chairperson-Rapporteur of the meeting, Mr. Asbjørn Eide, Chairperson of the United Nations Working Group on Minorities. She pointed out that the Guide provided information on how to use various global and regional human rights mechanisms, such as those under the United Nations treaty bodies, the Charter-based bodies of the United Nations, the African Commission on Human and Peoples' Rights, the Inter-American human rights system, as well as the European Convention on Human Rights and the Framework Convention on National Minorities. Contributions had been received from the International Labour Organization, the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization, the Office of the High Commissioner for Human Rights of the Organization for Security and Cooperation in Europe (OSCE), the European Union and the Development Assistance Committee (DAC) of the Organization for Economic Cooperation and Development (OECD). In the view of the High Commissioner, the information contained in the Guide and its constituent pamphlets indicated that the various global and regional mechanisms provided complementary ways and means of promoting and protecting the rights of persons belonging to minorities.

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* The advance version of this document was distributed in Durban. An electronic version is available at www.unhchr.ch/html/racism/01-minoritiesguide.html. The printed version, bearing the symbol HR/P/UNG/2, is expected to be available shortly.

III. RELATIONSHIP BETWEEN THE PREVENTION OF RACIAL DISCRIMINATION AND THE PROTECTION OF MINORITIES

4. Mr. Eide in his opening comments under this agenda item stated that the system of apartheid in South Africa had perverted the whole notion of the protection of minorities and respect for cultural diversity and that programmes which were alleged to protect minorities could instead become a shield behind which racial discrimination was perpetuated under the pretext of differential treatment.

5. The purpose of his statement, he said, would be to show that the application of a genuine minority protection regime would support the elimination of racial discrimination. He recalled that the Sub-Commission for the Promotion and Protection of Human Rights, created in 1947 and then called the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, had tried to clarify the meaning of its original mandate. It had defined the prevention of discrimination as "the prevention of any action which denies to individuals or groups of people equality of treatment which they may wish". This definition was endorsed by the Commission on Human Rights. Likewise, the Sub-Commission attempted to define its work on the protection of minorities. However, its call for "the protection of non-dominant groups which, while wishing in general for equality of treatment with the majority, may wish for a measure of differential treatment in order to preserve basic characteristics which they possess and which distinguish them from the majority of the population", was not endorsed by the Commission.

6. He stated that the United Nations for many years had, understandably and justifiably, focused its efforts primarily on eliminating the policy and practice of apartheid, and as such the principle of non-discrimination had been accorded much more attention than the protection of minorities. But when apartheid finally came to an end, the world was faced with a set of threats elsewhere, namely the explosion of secessionist movements driven by ethno-nationalist fervour resulting in massive ethnic cleansing, displacement and refugee flows. So the issue of peaceful and constructive approaches to group accommodation had risen higher on the international agenda and the protection of minority rights had taken on a new urgency. This was the period when the General Assembly adopted its 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, ushering in a new type of thinking on the protection of minority rights, particularly as one means of avoiding further violent conflicts.

7. Mr. Eide emphasized the link between the prevention of discrimination, equality of treatment and special measures for protecting disadvantaged minorities by identifying three main aspects in the search for equality: firstly, ensuring equal treatment at the individual level; secondly, promoting equal opportunity for members of all groups in society; and finally, creating conditions for everyone to maintain his/her dignity and identity within a pluralistic society. He spoke in detail about these three principles and their inclusion in the provisions of the Declaration on Minorities. Concerning identity, he emphasized that the protection of identity required not only tolerance but also respect for the distinctive characteristics and contributions of minorities in the life of the national society as a whole. States were required to abstain from policies which had the purpose or effect of assimilating minorities into the dominant culture and to protect minorities against activities by third parties that had assimilatory effects. The language and educational policies of the State concerned were crucial. In his view, denying minorities the possibility to learn their own language or have instruction in their own language or

excluding from the education of minorities transmission of knowledge about their own culture, history, traditions or language would constitute a violation of the obligation to protect the identity of minorities. Article 4 of the Declaration on Minorities dealt with these issues.

8. Mr. Eide stated that a harmonious combination of prevention of discrimination and the protection of minorities is possible. He expressed the view that the implementation of special measures of protection, if properly handled, far from being a threat to the stability and unity of the State would enrich the whole society. He hoped that his reflections on the complex but ultimately compatible relationship between prevention of discrimination and protection of minorities could be of some use in subsequent discussions of this seminar.

9. Mr. Eide invited Mr. Abdelfattah Amor, Special Rapporteur of the Commission on religious intolerance, to speak on the matter of protecting the rights of religious minorities. Mr. Amor identified two main types of religious minorities, namely groups whose religion is different from that of the majority of the population, and those whose interpretation of their religious text is different from the majority of adherents of the same faith. He spoke of the difficulty of establishing tolerance among and between religions and preventing the persecution of their followers when each religion considered itself to be the holder of the real truth. He spoke of the growing importance of religion in a world where political ideology had lost much of its impact, stating that a genuine market had opened to existing religions, new religions and new religious movements as well as to movements which used religion for purposes other than those which could be described as religious. This phenomenon had had serious consequences, as certain majorities and Governments had proceeded not only to try and assimilate all religious minorities, but also to draw up lists of movements, described pejoratively as sects rather than as religious minorities, even though some of those movements had existed for centuries and were clearly religious movements. This situation was causing difficulties for the protection of the rights of minority religious groups, especially ensuring that the majority respected the minority's right to freedom of belief and to practise their religion.

10. Secondly, he pointed out that religious minorities were often subject to multiple forms of discrimination. He called for the development of the concept of aggravated discrimination and the creation of an offence reflecting this reality. This concept had been dealt with in a number of studies, one of which he had presented to the first session of the Preparatory Committee for the Durban World Conference. Thirdly, he spoke of the important recognition of the protection of spirituality as well as freedom of religion and conviction within the draft declaration and programme of action of the Durban World Conference. He viewed the introduction of this concept as especially important in light of the discrimination practised against indigenous peoples who were often viewed as targets for conversion in the past and whose spirituality had been treated lightly.

11. Additional comments were made in relation to the need for dialogue and education to prevent religious intolerance and discrimination. It was suggested that such dialogue should not be limited to inter-confessional or inter-religious dialogue, but also to dialogue within a religion. On the question of education, Mr. Amor spoke about the need for school education to play its full role in preventing intolerance and discrimination, while recognizing that education in school

could not solve all such problems. He informed participants of the planned International Consultative Conference on School Education in Relation to Freedom of Religion and Belief, Tolerance and Non-Discrimination scheduled to be held in Madrid from 23 to 25 November 2001.

12. Ms. Awe N'Deye Ouedraogo, member of the Committee on the Rights of Child, urged the World Conference and the seminar to accord special protection to the rights of the child, especially as article 30 of the Convention on the Rights of the Child referred specifically to the rights of children belonging to minorities. She called for minority children to be registered at birth and for them not to be discriminated against in terms of health and schooling. She also spoke about the importance of action being taken to ensure that minority children were taught their own culture and history, as required under article 29 of the Convention, as well as having the opportunity to be taught in their own language. The Chair agreed that children of minorities often faced difficulties, especially where little attention was accorded to their heritage and culture in the educational system. He spoke of the difficulties of persuading Governments to implement fully the provisions of article 29 of the Convention.

13. Ms. Charlotte Abaka, the Chairperson of the Committee on the Elimination of Discrimination against Women, urged that any mention of special protection measures include a reference to the provisions of article 4.1 of the Convention on the Elimination of All Forms of Discrimination against Women which also required States parties to take temporary special measures to accelerate the equality of women with men. She also raised the point that women belonging to minority groups were doubly discriminated against; in that regard she highlighted the importance to minority women of addressing legitimate claims under the complaints procedure of the new Optional Protocol to the Convention. She asked that awareness be created and advocacy undertaken so that women could become aware of this new instrument and for States to become parties to it. Mr. Eide agreed with the importance of affirmative action for women and noted that women were often subjected to multiple forms of discrimination. He also spoke of the need to reflect upon the issue of possible tensions between the preservation of the identity of some minorities and respect for the equality of women.

14. Ms. Radhika Coomaraswamy, Special Rapporteur of the Commission on violence against women, stated that identity and cultural practices were important issues raised within the discourse on minorities. A school of thought on cultural relativism had emerged from this discourse, she said, which argued that there were no universal standards and that all cultures and cultural practices had a right to exist, free from criticism and judgement. Cultural practices that were defended using this argument, she said, were often those that discriminated against women, such as female genital mutilation, widow burning, and numerous religious and inheritance laws. Thus, at the same time as minority groups were using the human rights and minorities discourse to defend and fight for their groups' equality and freedom at the international level, they would deny certain individual members of their group the right to a full enjoyment of equal rights; this especially affected women. She urged treaty bodies, as well as other human rights organizations and mechanisms and enlightened leaders of racial and ethnic groups, to be far more circumspect in dealing with the issues of identity and cultural practices which discriminated against women.

She thought it important that such external actors should not use language which brought the whole culture into contempt; instead, they should follow the lead of individuals, groups and organizations within the concerned ethnic and minority communities who were fighting for the equal enjoyment of rights by all.

15. She agreed that there was only one race, the human race, but also expressed her understanding of the view that the terms "race" and "minorities" had proven themselves to be important rallying points for mobilizing support for demands that human rights be respected. While the sentiments behind attempts to eliminate references to these two categories of people might be benign, their consequences might not necessarily be. The protection of minorities sought to address the suffering, oppression, discrimination and exploitation experienced by minorities as well as to protect their right to self-determination and autonomy in areas in which they were a majority. Fighting oppression and exploitation was at the core of the human rights approach to minorities. Such an approach allowed us to fight for freedom and equality as individuals. It was on that foundation that we could construct a universalism based on our common humanity, and it was that discourse which should dominate discussions on issues of race and minorities.

Observations by other participants

16. A representative of the Dene nation argued that a paragraph of the draft declaration and programme of action of the Durban World Conference constituted a racist attack as it failed to recognize indigenous peoples' rights as being equal to the rights of other peoples of the world, and called for the deletion of that paragraph. Ms. Erica-Irene Daes, Chairperson-Rapporteur of the Working Group on Indigenous Populations, agreed that the United Nations had had to recognize the history of oppression experienced by indigenous peoples around the world. She affirmed that indigenous peoples still suffered from discrimination and spoke about the unfairness of those who insisted on qualifying the meaning and concept of "peoples" in relation to indigenous peoples. It was important that the indigenous be recognized as peoples and that their rights as peoples under international law be acknowledged.

17. One speaker stated that the United Nations had failed to follow closely the injustices experienced by Kurds and asked how the Working Group on Minorities proposed to address this neglect and focus on issues of justice and reparation for minorities who had suffered from discriminatory policies or had been the victims of crimes against humanity.

18. Another speaker raised a concern about the discrimination faced by minority children of African-American or Latino descent in the penal system in the United States. Representatives of Afro-descendants spoke of their need for collective representation, including through a national consultative assembly or the establishment of a specific forum within the United Nations. The importance of admitting past wrongs committed against and reparations for African Americans and people of African descent was also highlighted. The Chairperson recalled that the Working Group on Minorities planned to hold a seminar on Afro-descendants in the Americas in the near future.

19. Participants were informed about the intention of the International Human Rights Association of Minorities to hold a second international conference on the right to self-determination and the United Nations in the spring of 2002 and also intended to give consideration to the establishment of an international consultative assembly of minority peoples and "internal nations" who sought to exercise the right of self-determination.

20. Support for the recognition, acceptance and advancement of approximately 4 million Coloureds living in regions of Africa was called for by other participants. Reference was also made by one speaker to the problematic situation of some ethnic communities in Zimbabwe, which was aggravated by the political crisis affecting the society at large. The speaker argued that the United Nations had failed to communicate with the Government and non-governmental organizations in addressing the problems of minority communities. Many of the members of those communities were landless and were not represented in Parliament, on parliamentary committees, boards of directors or commissions. The speaker stated that the conditions for citizenship enumerated under the new Citizenship Act of Zimbabwe, which would enter into force in January 2002, were not compatible with international law. The United Nations was asked to make its position known on such issues. The discrimination faced by members of these communities and by refugees seeking asylum in third countries, particularly in Europe, was also brought up.

21. The issue of citizenship as it affected the Nuba people in Kenya was raised by another speaker, who stated that the Nuba were brought to Kenya by the British Colonial Government over 100 years ago and that their present economic, political and social situation was very difficult. They were regarded neither as indigenous Kenyan nor as foreigners. The speaker appealed for the present constitutional review to take account of their particular situation and of their need for protection. Responding to these interventions, the Chairperson suggested, inter alia, that the United Nations Guide for Minorities be consulted as it offered guidance on how best to target complaints and information for action to various human rights mechanisms, including the Committee on the Elimination of Racial Discrimination.

22. Several speakers referred to situations existing in South Asia, including the situation facing various religious minorities. Representatives of Dalits claimed that efforts were being made to silence their voice at the Durban World Conference. Information was requested on the avenues open within the United Nations for addressing issues relating to the Dalits and others. Other speakers suggested that the problem of the rise of religious fundamentalism in the subcontinent should be the focus of attention, with reference both to minority Muslim populations in India and to Christian and Ahmadya groups in Pakistan. One speaker wanted the United Nations to appoint a committee to scrutinize the activities of institutionalized castism and racism and to look into violations of human rights of religious minorities committed by armed forces. The provisions laid down in the Indian Constitution to protect the rights of minorities were good and should remain as they were, but they should be more effectively implemented. The woes, grievances and injustices of 250 million members of scheduled castes and tribes who had been subjected to centuries of discrimination should be addressed. While the Constitution of India had declared untouchability and the social restrictions attached to it illegal, in reality the practice continued and had not been abolished. Violations of the human rights of scheduled

castes and tribes were alleged to include the killing of two persons and the rape of three women every day. Most of the population were landless labourers working in the fields of the upper castes and at their mercy. Girls belonging to these communities were sometimes forced into prostitution in the name of religion and caste.

23. Government jobs set aside for these communities remained unfilled, according to some of the participants. They claimed that the National Commission for Scheduled Castes and Tribes was not able to deliver justice and do its work effectively due to the pressure of the upper caste rulers and administrators. Domestic and international businesses were not giving representation to scheduled castes and tribes as required under the Constitution.

24. The Chairperson-Rapporteur informed participants that a working paper was being prepared within the Sub-Commission on the Promotion and Protection of Human Rights which would examine the caste system on a worldwide basis.

25. Aggravated intolerance was deemed by another speaker to be a particularly relevant term to describe the situation of religious minorities and repressed classes in the subcontinent. He expressed concern about governmental abuses which could be committed in the name of positive discrimination or affirmative action. Particular reference was made to the system of imposing separate electorates for religious communities, which was described by the speaker as a form of religious apartheid. He expressed the view that such a system was contrary to the purpose and objectives of the Declaration on Minorities and informed participants that while various human rights mechanisms had called for the abolition of this electoral practice in Pakistan the system remained in place.

26. Participants asked whether a convention on minorities would be more effective than a declaration in safeguarding the protection of the rights of minorities and guaranteeing the removal of abusive practices. The lack of full enforcement of human rights law is one of the fundamental problems that needed to be solved in a globalized society so that human rights and action against discrimination were taken as seriously as matters of trade and economic globalization.

27. With reference to the situation in Israel, another speaker stated that approximately 20 per cent of the citizens of Israel are Palestinian and that about a quarter of this population are internally displaced. All of them, the speaker maintained, were subject to institutionalized discrimination by law, and the practices and policies of the Government. She called for the strengthening of international tools and mechanisms for protecting the rights of indigenous peoples and minorities through the adoption of a binding convention on minorities and the adoption of the draft declaration on the rights of indigenous peoples.

28. Another participant cautioned against the interference of particular groups of States, particularly those of the West, in the minority issues of other States. In that regard, mention was made of the situation of Kurds, and of the Copts in Egypt. He also said that human rights issues should not be used to impose conditionalities on State action and spoke out against NGOs receiving funding from the West and being a tool of the West.

29. A representative of the indigenous minority community of Twa women from the Democratic Republic of the Congo spoke about the continued suffering of her people, who were thrown out of their forests when national parks were established in their traditional territories. She also spoke of their suffering on account of the war in her country. She appealed for help for the indigenous people of Kivu province, where a group called "Mai Mai" were fighting against the occupation of the country by Rwandese soldiers and the use of her people as cannon fodder. She asked the United Nations to call upon all actors to put an end to the war so that further tragedy could be avoided both for her people and for her country.

IV. FACILITATING COOPERATION BETWEEN INTERNATIONAL, REGIONAL AND NATIONAL BODIES AND HUMAN RIGHTS MECHANISMS FOR THE BETTER PROTECTION OF THE RIGHTS OF MINORITIES

30. In opening this agenda item, the Chairperson suggested that panellists might wish to make suggestions for facilitating further cooperation between existing national, regional and international procedures; on how the Working Group on Minorities and other mechanisms could be more creative in finding solutions to minority issues; on the collection and dissemination of national jurisprudence relating to minority rights protection; and on standard-setting in relation to minority issues.

A. Human rights mechanisms of the United Nations system

31. Mr. Vladimir Kartashkin, member of the Working Group, explained that when the United Nations was founded the prevailing view was that if individual human rights were properly protected there was no need for special provisions to protect the rights of persons belonging to minorities. However, it soon became evident that a special mechanism was required for the protection of the rights of minorities and this led in 1947 to the establishment of the Sub-Commission, previously known as the Sub-Commission on the Prevention of Discrimination and Protection of Minorities. Since then various treaties and mechanisms had been established and had dealt with minority issues, including the Working Group on Minorities, created in 1995. In his view, the international treaty bodies as well as the Working Group on Minorities, while not recognizing the right of minorities to self-determination or to declare unilaterally their secession from a State, did recognize the right of minorities to cultural or territorial autonomy within the borders of a given State. It was also the view of the speaker that the absence of a definition of minorities had not only led to difficulties concerning questions related to self-determination and autonomy, but also to questions relating to the recognition of the existence of minorities.

32. He spoke about the growing cooperation between global and regional human rights systems to work on minority issues and of the steps increasingly being taken at the national level for the protection of minorities. In that regard, he expressed regret that the activities of national institutions were not sufficiently well known by the international community. He therefore suggested that a study be prepared on the experience of national institutions regarding their activities for the protection of the rights of minorities, and that a number of seminars be convened with the purpose of developing awareness of the activities of such institutions, including in the areas of conflict prevention, confidence building measures and the adoption of

national legislation relating to the protection of minorities. He spoke of the need to highlight the distinctions between non-governmental organizations and national institutions. The former offered, in his view, the best source of public information about human rights problems, while the latter were well placed for advocating legal and policy changes to implement international human rights obligations and address violations of human rights through their access to decision makers and the leaders of Government.

33. Finally, the speaker suggested that the question of the drafting of a future global convention on the protection of minorities should continue to be studied. The first step towards the development of such a standard would be to begin work on the definition of minorities and the criteria for their recognition. Europe had already led the way by adopting specific standards relating to minorities and the drafting of a universal standard alongside regional standards would have an even greater impact on protecting the rights of all minorities.

34. Mr. Rajsoomer Lallah, member of the Human Rights Committee, said that he shared many of the points raised by Mr. Kartashkin with respect to the way in which the question of minorities was addressed in some of the treaties, as well as the latter's suggestions regarding the role of national institutions and his recommendations with respect to problems relating to follow-up procedures. He referred to the issue raised by previous speakers that the question of minorities had perhaps been marginalized due to the pre-eminence of a Eurocentric perspective, and stated that it might be useful to have some kind of universal convention, or at least some common understanding of the concept of minorities. Mr. Lallah explained that the International Covenant on Civil and Political Rights in its article 27, the general comment on that article and the individual complaints considered under its Optional Protocol by the Human Rights Committee had attempted to provide an understanding of the types of minorities that existed and of the need to protect their cultures. With regard to indigenous minorities, the protection of the right to culture had been understood to extend to the way of life of the people, the way they used land and the way their traditions had developed around the use of land. By way of conclusion, he expressed the view that there needed to be greater uniformity among the treaty bodies and other organizations dealing with minority issues, if not with regard to a convention to protect the rights of minorities, at least with the regard to a common understanding on the concept of minorities.

35. He also raised the issue of the generally negative way in which Africa and its institutions were presented by certain media. Blanket misrepresentations and misinformation did not help national institutions in fulfilling their function to promote and protect the rights of the weakest sectors in society, especially when there were genuine concerns raised by non-governmental organizations concerning particular national institutions. The speaker urged Governments to provide national institutions with adequate funds and the necessary political support to enable them to undertake their mandated work. In addition, he suggested that the United Nations should organize specific meetings where national institutions could share their experiences with a view to garnering greater support in implementing their mandates.

36. Mr. Lallah informed participants that a major obstacle to the effective functioning of the treaty bodies was the difficulty of ensuring that the recommendations adopted under the State reporting procedure and the decisions adopted under the individual complaints procedure were implemented. He asked for strengthened cooperation between and among international treaty

bodies, United Nations organizations and national institutions to address this situation. He spoke about the essential nature of the roles of United Nations organizations and national institutions in ensuring that such decisions and recommendations were implemented by the States parties concerned. As a final comment, he spoke about the usefulness of more active cooperation between the treaty bodies and the Sub-Commission for the promotion and protection of human rights, particularly in the case of minorities.

37. Mr. Andreas Mavrommatis, member of the Committee against Torture, provided details about the ways in which CAT had addressed minority issues in its work. He mentioned in particular the seriousness of the situation facing the Roma/Sinti, an oppressed minority against whom the authorities themselves used extreme force or acquiesced in the use of such force. The situation of minorities affected by internal conflict or under foreign occupation had also been raised. He indicated that the provisions of article 3 of the Convention had often been applied to persons belonging to minorities who were seeking asylum and that a liberal interpretation of the provisions on "non-refoulement" did not permit a person to be exiled, expelled or returned to his/her country if that person was likely to be tortured.

38. Some of the problems faced by the treaty bodies and other organizations in protecting the rights of minorities were due to the reluctance of Governments to recognize these rights for fear that such recognition would lead to secession. The recognition in the Charter of the United Nations of both the principles of the territorial integrity of the State and the right of self-determination of peoples had contributed to this dilemma. The solution proposed by the Working Group on Minorities was, in his view, the correct one, namely respect for the territorial integrity of the State while responding to demands for self-determination within that State. By way of conclusion, he suggested that further progress in addressing the issues of territorial integrity and self-determination could be achieved through consideration of the principles of international law under which it was not acceptable to invoke one of the principles of the Charter to violate another.

39. On the question of cooperation between the treaty bodies and national institutions, he said that the time was ripe for the institutionalization of relations. Options available to achieve this were: the organization of joint regional seminars to share experiences of useful initiatives for the promotion and protection of human rights at the country level; and arranging for national institutions to meet with treaty bodies prior to and following the consideration of the State party report of their country. In both instances, one focus of attention could be encouraging Governments to formulate and adopt legislation requiring them to abide by decisions emanating from international human rights complaints mechanisms. The question of follow-up and the implementation of treaty body recommendations and decisions also led the speaker to address the question of standard-setting. In his view, the implementation of universal human rights instruments lagged behind some of those adopted by regional organizations. He considered that the whole matter of implementation should continue to be studied, agreeing, on the one hand, that there was a need to implement existing standards, while recognizing, on the other hand, that the seriousness or frequency of violations of rights might justify the drawing up of a specific instrument, in this case on the rights of minorities.

40. Mr. Yuri Rechetov, member of the Committee on the Elimination of Racial Discrimination, explained that this Committee was the only universal treaty monitoring body dealing in a systematic way with issues of racial discrimination and minorities, as almost 160 States were party to the Convention it monitored. The monitoring system still encountered problems due to the failure of States to report. But more common and serious defects of the monitoring process were the denial by States of the existence of any cases of racial discrimination and their presentation of constitutional and other legislative provisions rather than a report on the real situation facing the populations of their country. With a view to obtaining a fuller picture of the real situation in a given country treaty bodies were studying alternative sources of information from intergovernmental and non-governmental organizations. The difficulty with the alternative reporting system was that in some instances thousands of pages were received, while in other cases no alternative information was forthcoming. Additionally, not all Governments reacted favourably to the Committee receiving such information. It was rare that minorities were represented on an official delegation. He believed that such representation was often viewed as problematic, both for Governments and for minority representatives where acceptance of an invitation to participate might be perceived as compromising their independence.

41. Mr. Rechetov informed participants that where States had accepted the terms of article 14 of the Convention, the Committee had the right to receive and consider complaints of human rights violations received from individuals. Most complaints had concerned individuals from Western European countries and this reflected the absence of awareness of the existence of the procedure among persons living in the rest of the world.

42. On the question of standard-setting, Mr. Rechetov spoke in favour of establishing standards that would regulate the issue of the recognition of minorities, an issue which remained to be addressed in many countries, even within Western Europe. In his view, priority attention had therefore to be given to the setting of binding or guiding rules for Governments on the criteria for recognizing minorities.

43. The representative of the Office of the High Commissioner for Human Rights, Mr. Bacre N'Daiye, reminded participants of the importance of supporting country-level action to implement the recommendations of thematic and country rapporteurs.

44. Mr. Kishmore Singh provided details of the standards set and activities undertaken by UNESCO in relation to the educational dimension of the rights of minorities and other excluded groups in need of special protection. As such reference was made, inter alia, to the Convention against Discrimination in Education which was adopted in 1960. UNESCO monitored the implementation of the Convention by conducting regular consultations with member States; a future consultation will be held in cooperation with OHCHR. He drew attention to the Framework for Action adopted in Dakar in April 2000 at the World Education Forum in which the international community renewed its commitment to basic education for all by 2015, especially for excluded children, as an integral part of achieving universal and free primary education for all. In addition an international seminar organized at the UNICEF's Innocenti

Centre in December 1999 had focused on problems relating to the fulfilment of the right to education faced by minority and indigenous children. Finally, he informed participants that UNESCO, in collaboration with the Raoul Wallenberg Institute, were developing a manual on promoting the educational rights of minorities.

45. Ms. Gabriela Rodriguez Pizarro, Special Rapporteur of the Commission on the human rights of migrants, spoke about the need for cooperation with respect to protecting the rights of migrants, who numbered more than 150 million worldwide according to the ILO. Migrants were at high risk of having their human rights violated. They suffered from discrimination and xenophobia and they often lacked the necessary papers and documents to protect themselves from abuse and exploitation, as well as to ensure their access to services. She urged the seminar to take account of the root causes of migration. Migrants often faced discrimination in their country of origin where their exclusion and marginalization had led them to migrate while in the countries of destination migrants faced similar difficulties and sometimes even greater challenges, especially if they were without documentation and living or working in unregulated situations. She urged the treaty bodies to address more systematically the concerns of migrants as well as those of minorities, including the xenophobia and discrimination they suffered.

B. Regional human rights mechanisms

46. Ambassador Jorge Taiana, former Executive Secretary of the Inter-American Commission on Human Rights, expressed his concern that the human rights situation in the region might be worsening rather than improving. The persistence of impunity for those State agents who had violated human rights remained a major problem in the region, as did the absence of redress for the victims of such violations. Equally worrying was the deteriorating economic situation, the perception that State institutions were not bringing sufficient benefits, and the greater difficulties being experienced by the majority of people in accessing various social, legal and judicial services. Part of the problem in the region was that a minority of the population oppressed the majority. Two communities suffering most from discrimination were indigenous peoples and Afro-descendants although, paradoxically, their concerns were increasingly being recognized in the international arena.

47. Ambassador Taiana described some of the mechanisms and activities of the Inter-American human rights system. These included the Special Rapporteurs on indigenous peoples and migrant workers as well as the drafting of a declaration on the American indigenous peoples and the drafting of chapters on the status of indigenous peoples in country reports of the Commission. Through courses and scholarships indigenous lawyers could learn about the functioning of the Inter-American system and cases relating to indigenous peoples had been brought before the Inter-American Court of Human Rights. Work had begun on addressing the situation of Afro-descendants. Much remained to be accomplished, however, and he suggested a concerted effort to reach out to non-governmental organizations representing Afro-descendant communities.

48. He made suggestions for strengthening cooperation between the global and regional human rights systems, such as measures to facilitate access to information on the work of the Working Group on Minorities, including through the posting of more information on the web site of the Office of the High Commissioner for Human Rights. Finally, he expressed a preference

for concentrating efforts on strengthening the implementation of existing instruments, through which minorities could already claim protection of their rights, rather than creating new standards.

49. Ms. Christina Cerna, Principal Specialist of the Inter-American Commission on Human Rights, provided information on the instruments and functions of the two main organs of the Inter-American human rights system, namely the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. As regards cooperation between international and regional organizations, she indicated that such cooperation has existed for many years, for example, between the secretariats of the Inter-American Commission and the United Nations Human Rights Committee. One example of such cooperation involved the "follow-up" conducted by the Committee to an Advisory Opinion issued by the Inter-American Court. In her view, however, such follow-up could be pursued more actively by the Committee with regard to States parties to the Covenant from the Americas if the global treaty bodies were more aware of Inter-American Commission and Court decisions.

50. She also explained that the procedures of both the Committee and the Inter-American Commission provided that a petition shall not be admitted if another international body had previously examined the case. The Commission had interpreted this "duplication clause" to apply only to other "jurisdictional" bodies, such as the Human Rights Committee, and not, for example, to United Nations working groups or special rapporteurs, which did not issue "decisions" on individual cases.

51. She spoke about the need to pursue greater integration of the Inter-American system into meetings and seminars of the United Nations, especially as regards the treaty bodies and, in particular, the meeting of the chairpersons of the treaty bodies which, she proposed, should also include the chairpersons of the regional treaty bodies. Perhaps equally important would be an annual meeting of members of the secretariats of the treaty bodies in order to discuss their own evolving jurisprudence and changes in their procedures to ensure a greater familiarity with each other's work. A discussion of State compliance and non-compliance issues with respect to these treaties would also be of value.

52. As regards more creative cooperation between regional bodies and national institutions, Ms. Cerna reflected on comparisons between the Inter-American and the European systems. The Council of Europe, for example, had created the post of European Commissioner for Human Rights and the possibility of creating a similar post had been discussed several years earlier in the Inter-American system with no particular result. The European Commissioner for Human Rights performed functions that had little to do currently with the work of the European Court; while the European Commissioner, Mr. Gil Robles, flew to trouble spots and prepared reports to the political organs of the Council of Europe, the Council had no specific competence for action in this area. It was her view, therefore, that the post of regional human rights commissioner could more usefully serve the treaty body and should be a liaison between national institutions and ombudsmen. The regional commissioner should seek the implementation of the decisions of the regional human rights body at the national level and the national institutions/ombudsman should keep the regional commissioner informed of disturbing or positive developments, as the case may be, at the national level. The regional commissioner should recommend the adoption or repeal of national laws in accordance with decisions of the regional human rights body. A

regional commissioner, through contact with national institutions/ombudsmen, would have an overview of the laws and practices in the region and could promote creativity and consistency in regional legislation adopted to create internal mechanisms for the implementation of the rights set forth in the Convention. In her view, the principal goal should be the creation of effective internal mechanisms for the implementation of the rights set forth in the international instruments.

53. Like many other speakers Ms. Cerna did not believe that new instruments to protect minorities were needed, but rather greater cooperation between the existing supervisory bodies and greater compliance with the existing instruments.

54. Ms. Samia Slimane, an independent expert, provided an introduction to the African human rights system which, she said, was relatively new and not necessarily well known. Her hope was that non-governmental organizations working on minority issues would participate more in the work of the African Commission on Human and Peoples' Rights. Minority representatives and non-governmental organizations could play an essential role in the Commission's work, as they could intervene and participate, making their voices heard and raising issues which affected them when the special rapporteurs present their reports. The special rapporteurs so far designated dealt with issues relating to executions, prison conditions and the rights of women.

55. She also informed participants about other work of the Commission. For example, a study had been undertaken on the issue of indigenous and minority communities in Africa in 1999. Then, at the twenty-eighth session of the African Commission, held in the autumn of 2000, the Commission decided to establish a working group on the rights of indigenous populations and communities in Africa. The group was expected to study the impact of the Charter as regards the rights to equality, dignity, protection against domination, self-determination and the promotion of cultural development and identity of the indigenous. Given that non-governmental organizations could participate in working groups set up within the Commission, those interested in minority issues should make use of such procedures. She also said that the African Commission had collaborated and participated actively in a United Nations workshop held in Kidal, Mali, in January 2001. She urged representatives of indigenous communities and non-governmental organizations to involve themselves in the work of the African Commission and in the regional workshops on "Multiculturalism in Africa" organized by the Working Groups on Minorities and Indigenous Populations.

56. Mr. Kamel Rezag-Bara, Vice-Chairperson of the African Commission on Human and Peoples' Rights, and Ms. Slimane also provided details of important provisions of the African Charter on Human and Peoples' Rights, which would be of interest to minorities for the promotion and protection of their rights.

57. Mr. Rezag-Bara spoke about the promotional and protective roles of the Commission pursued through the State reporting system and the consideration of complaints submitted, especially by NGOs and individuals, against African States accused of human rights violations.

58. Regarding the specific case of minorities, two issues should be mentioned. Firstly, neither the concept of minorities nor that of indigenous peoples existed in the normative content of the African Charter. However, article 2 of the Charter included the basic principle of non-discrimination and equality of treatment and that was why every community, be it racial, ethnic, linguistic or religious, was entitled to equal treatment, legal protection and non-discrimination. Secondly, the notion of peoples in articles 20-25 of the African Charter is not clarified. The interpretation that had prevailed, however, had linked the concept of peoples to the recognition of State borders inherited from the period of colonialism. At the same time, the African Charter's rejection of the idea of the domination of one people by another was directly associated with the right of people to free themselves from colonialism and foreign domination by ways and means recognized by the international community. The concept of people was also linked to the Charter's provision for the right of people to development.

59. Mr. Rezag-Bara then proceeded to illustrate the different interpretations of the right to self-determination, which had evolved over three generations. The first generation of the self-determination principle was linked to the right of people to free themselves from any type of colonialism and foreign domination within the framework of borders inherited from the colonial period. This interpretation reflected the world of the 1960s. In the twenty-first century different challenges had to be met. Many contemporary conflicts in Africa had an ethnic component, and concerns were being expressed in terms of the recognition of the existence and identity of minorities or communities. He suggested that we were witnessing the development of a second generation of issues relating to self-determination, one which had a cultural focus. Communities wanted their culture, their language, their identity, their relationship to land and their spirituality to be acknowledged and recognized whereas countries and Governments or the dominant culture were unused to such demands. He suggested that a third generation of self-determination existed with links to secessionist movements. From the point of view of the African Commission and others, this third generation was a stage which should not be reached and would not be reached if the demands for participation, development, identity and recognition were met. In his view, a broader and more open perspective on the issue of self-determination was gaining ascendance which was more receptive to taking into account the legitimate demands and concerns of communities. In support of such developments, the African Commission had set up a Working Group on the Rights of Indigenous Populations and Communities composed of three members from the African Commission and four members from the non-governmental community. The latter represented various cultural groups: the Tuaregs in North Africa; the Twa in Central Africa; the Masai in East Africa; and a minority group in West Africa. The Working Group was seeking to set up an appropriate mechanism for encouraging Governments to be receptive to accepting different identities in order to strengthen national cohesion, thereby avoiding situations leading to secession or separatist movements. This was the major challenge faced by the African Commission. Mr. Rezag-Bara thanked the United Nations Working Group on Minorities and OHCHR for the support they had offered to the African Commission in its work so far.

60. Mr. Eide expressed his thanks to Mr. Rezag-Bara whose presentation had immediately dealt with some of the most difficult issues facing those working on minorities and indigenous issues. The distinctions made between the first, second, and the potential third generation of self-determination issues was extremely interesting, as were the discussions being undertaken in the African Commission on this topic.

61. Various questions were posed to Mr. Rezag-Bara, including on: Quebec and the question of secession; whether the situation of mixed race persons from Malawi in South Africa was being considered by the African Commission; how to protect the rights of minorities in southern Sudan; whether federalism, decentralization, autonomy or strengthened local government offered possible solutions to preventing the growth of movements opting for secession from the State; and lastly, whether it would be possible to draft or adopt a protocol to the African Charter which would contain the provisions of the Declaration on Minorities and the draft declaration on indigenous peoples.

62. In reply, Mr. Rezag-Bara suggested that the North American Quebecois were in a position to insist on their cultural diversity within existing frameworks; however, it was for the community to decide such matters itself. Regarding the situation of coloured people in Africa, he proposed to look into this matter in order to develop a greater understanding of the concerns raised and to report to the Commission. The problem of the conflict in the Sudan which dated back to the 1980s, had always been on the Commission's agenda. Two years previously the Commission had received complaints from a number of Sudanese non-governmental organizations that governmental policy was not respecting the various cultural, religious and ethnic identities of communities in the Sudan. It was his personal belief that the Sudan should be a unified but diversified country and that all religious, ethnic or cultural communities should be given the opportunity to participate effectively in the society. He agreed that problems arising from the failure to recognize where cultural identity needed to be settled and that local governance, decentralization and regionalization could help in solving problems between communities. As a final comment, he said that the African Commission's Working Group on the Rights of Indigenous Populations and Communities had a mandate to draft a declaration on minority communities in Africa as a first step towards the adoption of a possible supplementary or additional protocol.

C. National human rights institutions

63. Mr. Morten Kjaerum, Director of the Danish Centre for Human Rights and Chair of the European Coordinating Committee of National Human Rights Institutions, said that national human rights institutions were uniquely placed to act as a bridge between local and international actors in addressing national human rights concerns and were able to communicate directly with minority communities and State authorities on minority concerns. With their roots in civil society and their ability to receive and react to individual complaints on human rights issues, national institutions were in a key position to develop a keen sense of the particular problems affecting different sections of a country's population, including persons belonging to minorities.

64. Mr. Kjaerum spoke about the importance of all sectors of the population being represented as staff and members of national institutions. This would allow not only for greater expertise on minority issues within such institutions but would also strengthen the functions and performance of staff and members acting as facilitators for addressing minority issues domestically. In his view, national institutions were also in a position to play a vital role in conveying national human rights concerns to the regional and international levels, inter alia through their involvement in the preparation of alternative reports to global and regional treaty bodies. National institutions were also well placed to monitor and support the implementation of recommendations for legislative, administrative or other action, made by regional and global

human rights mechanisms. He appealed to the treaty bodies to formulate more precise recommendations in their concluding observations. He recognized, however, that treaty bodies could be assisted in this task by national institutions which should provide them with better formulated and targeted information. He thought it important that this matter be further discussed between the national institutions and the treaty bodies.

65. National institutions often possessed a wealth of information regarding the situation of minorities. His own organization being the official rapporteur for reporting on human rights issues to the Council of Europe, he suggested that national institutions could also act as a focal point for sending information to the United Nations and the Working Group on Minorities, or perhaps could work more interactively and feed a web site with this information from the domestic level.

66. National institutions should be more creative in finding ways to respond to patterns of human rights problems affecting particular communities. He was of the view that national institutions were under an obligation to establish and develop their role as an early warning mechanism. National institutions, United Nations and regional organizations should discuss the issue of how to operationalize collaboration between them for the communication of early signs of conflict.

67. Another issue which needed to be addressed, was the discrepancy between the official information from Governments and State authorities on minority issues and the situation on the ground. Few countries recognized that minority and racial problems existed. For example, in Europe the failure of refugees, migrants and minorities to integrate into local societies was viewed as problematic but there was little comment about the discrimination such groups faced in the labour market, housing market, etc. In his experience, leaders more often blamed external factors for problems rather than a lack of solidarity in their own society, or corruption and its effect on minorities. The absence in governmental circles of a vision of how to deal with discrimination and the reality of multi-ethnic societies was a major problem.

68. Finally, he said that he would prefer that existing human rights standards be implemented rather than discussing new standards to protect the rights of minorities.

69. Dr. Eduarto Cifuentes, Defensor del Pueblo of Colombia, used the human rights problems in Colombia to illustrate the need for cooperation between national institutions and regional and global mechanisms in addressing conflict situations. Serious human rights situations not only tested the aptitude of national institutions in defending the human rights of the population, but also the human rights mission of regional and international organizations. He stated that in Colombia 30,000 violent deaths were recorded every year and over 2 million persons had become internally displaced in the last 10 years. Outlawed armed groups were financing their operations by drug trafficking and kidnapping. Indigenous peoples and Afro-Colombians were the main targets of such groups as the guerrillas contested the legal recognition and transfer of land to these communities and had now taken control of that land. In such situations, national institutions had to implement both preventive and protection programmes. Preventive programmes should be aimed at the early detection of violations of human rights. An analysis of this information would then be transmitted to State authorities and organizations globally, urging a timely response, such as protecting those internally displaced.

He also insisted that national institutions should and, in his country's case, were providing individuals and communities with legal support for the adequate defence of their cases against the perpetrators of violations of human rights.

70. He expressed the view that competent United Nations bodies and the treaty bodies consider establishing a special agenda item to deal with serious human rights situations. Treaty bodies would need to receive regular information from reliable sources to enable them to issue appropriate recommendations and carry out permanent monitoring with respect to conflict situations, including of violations committed by armed non-State actors. Similarly, OHCHR should set up offices in countries in conflict as that would provide a practical way of linking different parts of the United Nations, national institutions, and regional and international human rights mechanisms. He urged all actors to be involved in implementing the recommendations emanating from the regional and global human rights mechanisms.

71. Mr. Nils Muiznieks, Director of the Latvian Centre for Human Rights and Ethnic Studies, stated that Governments often ignored the views of non-governmental organizations, apart from those instances where positive action on human rights was perceived as providing the country with potential financial rewards, e.g. through accession to the European Union. He spoke about the dense network of regional organizations within Europe and the work of two new organizations, in particular, the European Commission on Racism and Intolerance (ECRI) and the European Monitoring Centre on Racism and Xenophobia, and asked that references to their web sites be incorporated into the United Nations Guide for Minorities. In his view, the focus should be on ensuring the implementation of existing standards rather than the study of new instruments.

72. European countries had often resisted accepting that racism was an issue affecting their populations, but now there was greater understanding that the term covered more than discrimination because of a person's colour; it also encompassed exclusion and discrimination affecting many communities, including the Roma/Sinti. He was also of the view that European countries faced a new set of challenges as countries of immigration.

73. While agreeing that national institutions were an excellent source of information on respect for human rights and the implementation of international standards, the academic community and the non-governmental organizations were equally important as reliable sources of information. Non-governmental organizations, the academic community and minority communities required the support of international institutions in ensuring that their issues and concerns were given a hearing at the national level.

74. Justice Emile Short, member of the Ghana Commission on Human Rights and Administrative Justice, stated that the strength of a nation could be measured by the extent to which it protected its minorities. National institutions had a moral duty to protect the rights of minorities even where such a mandate had not specifically been incorporated in the enabling legislation setting up the institutions. National institutions were uniquely placed to protect minority rights due to their special interactive relationship with State institutions and

non-governmental organizations. He suggested that national institutions could protect the rights of minorities by, inter alia, putting into operation an early warning system for conflict prevention, managing conflict and raising awareness, and providing education on human rights in general and minority rights in particular.

75. National institutions had an obligation to be alert to early signs of conflict and take steps to address them. This could be achieved through the opening of regional, provincial and district branches of the national institutions which could perform important functions by being attentive to signs of brewing conflict, by alerting others to emerging situations and by managing conflicts. National institutions also had a duty to hold Governments to account and to protect the rights of citizens and minorities, including by criticizing Governments when they failed to live up to their responsibilities. It was incumbent on national institutions to make the public aware of particular research which identified the causes of minority problems, to publicize the recommendations contained in those research reports and in reports of inquiry, and to apply pressure on Governments to enforce and implement such recommendations. By way of example, mention was made of the establishment in Ghana of a committee headed by a Supreme Court justice that had reported on problems between two ethnic groups and had made recommendations for action. In his view, the eruption of conflict would have been prevented if the report's recommendations had been implemented in a timely manner.

76. He also thought that national institutions themselves should undertake research on minority issues, especially on the causes of minority or ethnic problems. Additionally, Justice Short spoke about the usefulness of national institutions' conducting public hearings on minority issues. Such public hearings would assist in creating greater awareness about minority rights and issues as well as about multiculturalism, peace, tolerance, and the importance of accepting diversity within society.

77. National institutions should undertake to teach conflict resolution skills. Justice Short said that the national human rights institution in Ghana, had decided to support chiefs and community elders in their traditional role of preventing or handling conflict.

78. Concerning the management of conflict, it was important for national institutions to provide protection for internally displaced persons and to prepare or support legal challenges against decisions that undermined the rights of minorities. Also important was promoting legislative solutions to minority problems, including by encouraging the establishment of a ministry or department responsible for multicultural policies and programmes.

79. Developing the capacity of security agencies to respond to the eruption and management of conflict was another area of work for national institutions in partnership with the security agencies, conflict resolution organizations and other civil society organizations. In that regard, mention was made of an organization called the African Research and Security Development Group which had its headquarters in Ghana and regional offices elsewhere and which worked in partnership with national institutions on building the capacity of security agencies to respond to the eruption of ethnic conflicts.

80. The Chairperson thanked all the panellists for their contributions to the debate and stated that there was obviously a need for intensified cooperation both between and among the national, regional and universal bodies and mechanisms. More support from the United Nations for the sharing of experience was required, national institutions clearly, had great potential to perform an invaluable role as the first line of defence against potential conflicts arising out of violations of human rights and as a first contact point for the international system - both for providing information to the international system and for monitoring the action taken at the country level to put into effect the recommendations, conclusions or other decisions of the universal and regional treaty bodies and special procedures.

V. MAINSTREAMING MINORITY RIGHTS IN DEVELOPMENT ASSISTANCE AND COOPERATION AS A MEANS OF PREVENTING CONFLICT

81. The Chairperson-Rapporteur invited the non-governmental organization Minority Rights Group International (MRGI) to open the discussion under this agenda item, in view of the fact that they had organized a preparatory meeting on this issue which was attended by members of the Working Group on Minorities, representatives from development agencies and international financial institutions, and minority representatives and indigenous peoples. Mr. Eide asked that the recommendations emanating from the preparatory meeting be shared with the participants at the seminar.

82. Mr. Mark Lattimer of MRGI opened the discussion by stating that the Durban World Conference was making clear that the economic exclusion of minorities and indigenous people lay at the heart of the manifestations of the racism, racial discrimination, xenophobia and related intolerance in the world. He spoke of work undertaken since 1999 by his organization and partner organizations in more than 20 countries in different regions of the world to investigate the impact on minorities and indigenous peoples of development projects, and said that one of the outcomes pointed to the crucial importance of mainstreaming minority rights in development aid and assistance. He made reference to the preparatory meeting on "Tackling poverty and discrimination: mainstreaming minority rights in development assistance" which was organized by MRGI in conjunction with the Working Group on Minorities and OHCHR in London in July 2001. Corinne Lennox and Angela Haynes of MRGI provided a summary of the key recommendations of that meeting which had brought together some 50 experts of the Commission on Human Rights, multilateral and bilateral donor agencies, persons belonging to minorities and indigenous peoples as well as representatives of human rights organizations. Seven main themes had emerged from the preparatory meeting's two-day discussions. They were: respecting standards, redressing discrimination, ensuring participation, assessing impact, strengthening capacity, international development goals, and national and transnational corporations. The main points raised under each theme were highlighted. For example, under the first theme it was suggested that the provisions of the main human rights treaties - ILO Convention No. 169, the Declaration on Minorities and the relevant sections of Agenda 21, among others - should be respected in the development process. Action was required to monitor the impact of development projects and programmes to ensure their consistency with the provisions of those standards and it was recognized that national human rights institutions or other national mechanisms could undertake such monitoring functions. Other recommendations

related to the need for complaints and review procedures to be set up which would be easily accessible to minorities and indigenous peoples. It was also agreed that the use of land and its resources had to be addressed if development policies were to be sustainable in the longer term.

83. Under the heading of redressing discrimination, it was recognized that discrimination was often the legacy and root cause of inequality resulting in economic and social exclusion of minority and indigenous communities. Approaches to address such discrimination had to deal with the problem of denial of the existence of discrimination by creating awareness of the needs of minorities and indigenous communities, integrating or mainstreaming identified needs into the development process, and introducing targeted programmes to address those specific needs.

84. Participation in the development process was considered a key issue. It was therefore agreed that minorities and indigenous communities must participate at all stages of the development process, from the formulation of plans and programmes to their implementation and evaluation, and that mechanisms to ensure this participation must be created or strengthened. It was suggested that traditional decision-making structures might be most appropriate to maximize the participation of communities. Although it was recognized that some traditional structures might discriminate or marginalize certain of their members; there was therefore a concurrent recognition that equal access to the participation process should be provided for women, persons with disabilities, older persons, children and youth, and persons with HIV/AIDS. It was recognized that the sustainability of development projects required the full involvement of the intended beneficiaries. Thus, the decision-making process should be transparent, with the recommendations of the minority communities and indigenous peoples being taken fully into account, rather than one which is consultative and where the views of communities may be ignored.

85. Regarding the fourth theme, it was agreed that the assessment of the impact of development projects and programmes should move from a general overview of gains and losses within a country to a focus on the situation of particular subsections of the population. It was recommended that disaggregated data to reflect the situation of minorities and indigenous peoples should be collected, including through the design and holding of censuses. Strengthening the capacity of minorities and indigenous peoples as well as agencies and organizations engaging in development was identified as an activity to be supported in order to better address the needs of minorities and indigenous peoples. Greater efforts, it was suggested, should be focused on locating and disseminating existing research on the situation of communities and on supporting communities to carry out their own future research.

86. While welcoming the International Development Goals, also known as 2015 targets, agreed to by the international community for development cooperation, concern was expressed that there was no requirement to pay particular attention to the rights of minorities and indigenous peoples in the process of fulfilling those goals. Therefore, several steps were recommended to ensure that minorities and indigenous peoples benefited equally and equitably from efforts to reach those goals. They included: acknowledging the existence of discrimination and exclusion, collecting better data to understand the causes and nature of such exclusion, and implementing specially targeted programmes for minorities and indigenous peoples as well as integrating the rights of these communities into the general programmes for achieving the International Development Goals.

87. The final theme related to national and transnational corporations. It was important that national and transnational corporations should develop and implement responsible policies and practices and that they be accountable for their activities. The Global Compact was a key instrument in such efforts, not only because it encouraged dialogue between national and transnational corporations and United Nations agencies, including the ILO, OHCHR, UNDP and UNEP, but also because the first two principles of the Global Compact focused on respect for internationally proclaimed human rights by national and transnational corporations.

88. Representatives of MRGI informed participants that it was launching a document specifically on the topic of the International Development Goals which would elaborate further on some of the recommendations adopted at the July meeting.

89. A final point raised by MRGI related to the link between minority rights, development and conflict prevention. In this regard, Mr. Lattimer expressed the view that equality and justice were not the only important reasons for linking the issues of minority rights and development. He said that the ongoing oppression of minority rights had probably been one of the most notable causes of conflict in the world during the last decade. Development agencies had to be aware of this risk factor. The outbreak of conflict could reverse the development achievements of decades, so the integration of minority rights in the development agenda should be perceived as an essential, not a peripheral component of appraising the success of development programmes and aid.

90. Mr. Rodolfo Stavenhagen, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, focused attention on the meaning of development. The classical view of development, he said, including globalization, was not really intended to benefit the majority of the world's population, much less indigenous peoples and disadvantaged minorities. By way of explanation, he pointed out that the majority of the world's population was rural based and much of the rural population was composed of indigenous peoples and minorities, and that the single most important occupation in the world was subsistence farming. In his view, subsistence farmers had achieved very little from the classical or mainstream development model.

91. The integration of human rights and environmental issues into the development discourse of the international agencies and financial institutions had led to a rethinking on the processes of development. Alternative models of development were not simply concerned with economic growth but were also intent on improving the lives of people at the grassroots level, through a process of social change that took account of human rights principles and standards and recognized that local communities had often been able to maintain a certain equilibrium with their environment. The speaker used the term ethno-development to describe an alternative model of development which was concerned first and foremost with ensuring the well-being of the people involved in the development process and not with profits or benefits for some international corporation or some national bureaucrats or technocrats. Ethno-development also kept to the principle of respect for the identity and culture of the people and recognized their right to adopt their own type of development, which might even be considered by some as non-development. He recognized that those values might often be very different from the ones espoused by the mainstream or dominant sectors in society.

92. Particular attention was then focused on the effects of "megaprojects" supported by national Governments, banks and other organizations and of their effects on the local area. He offered suggestions as to ways and means of countering unwelcome development. One particular situation was mentioned in detail which related to a court case which the Inter-American Commission on Human Rights had brought to the attention of the Inter-American Court of Human Rights. The case related to an indigenous community of hunters and gatherers in their traditional and sacred tropical forest areas in Nicaragua. Constitutional and other legislative protection of their community and land had not prevented private logging companies being given concessions to operate in these areas. The communities had demanded redress and justice in the national courts and when this did not succeed, the case was transmitted to the Inter-American system. The case had become embroiled in the question of who had title to the land. This example reaffirmed the centrality of land rights to respect for the rights of indigenous peoples.

93. Mr. José Bengoa, member of the Working Group on Minorities, also spoke about the relationship between development and the rights of minorities. He said that in many instances what was termed development, or the elements viewed as necessary to achieve development, put a culture at risk or endangered the capacity to be able to live within one's own culture. He asserted that in many testimonies before the Working Group, minorities had asked for development which did not threaten their identity and culture. This reflected the key issue, which was how to achieve development which would neither suffocate nor annihilate the culture and identity of minorities. At the same time, he pointed out that where there was no recognition of the rights of minorities and where there was no control by minorities over the processes of development, social development projects were doomed to fail and could even bring about greater impoverishment of minority communities. Such concerns should guide development work. The voices of and concerns important to minorities must be heard and practices that limited the visibility of minorities to folklore rejected. Consideration should also be given to ensuring that education was appropriate for minorities and that their culture and history were taught not only to minorities, but to all sectors of the population. It was important to analyse in a holistic way questions relating to the invisibility of minority problems, the existence of differences in society and different approaches to development. In his view, therefore, another major objective of the Working Group on Minorities should be to study peaceful ways of giving visibility to the issues and concerns of minorities. It was also important to reach a common understanding on issues of importance to minorities if agreement was to be reached on the drafting of a convention that would be binding on States for the recognition of the rights of minorities.

94. Ms. Deepika Udagama, a member of the Working Group on Minorities, expressed her support for focusing further attention on various models of development. She called for the impact of economic globalization and the effect of the World Trade Organization policies to be included in the discourse on development, especially as one of the objectives of WTO was the development of human society. She referred to several important initiatives and studies of the Sub-Commission, such as those relating to the impact of globalization on human rights, the human rights obligations of transnational corporations and affirmative action, and suggested that minority rights organizations should involve themselves in discussions on such issues in the Sub-Commission.

95. Mr. Mohammad-Mahmoud Ould Mohamedou of the International Council on Human Rights Policy provided information on the report recently released by his organization on racial discrimination and economic exclusion, an advance version of which had been made available to the meeting organized by MRGI in London, and indicated that many of the recommendations adopted at that meeting echo work developed in his organization's report. He proposed, therefore, only to highlight certain points. As such, he wished to reaffirm the important role national human rights institutions could play in identifying vulnerable groups such as minorities and indigenous peoples and supporting the inclusion of concerns specific to such groups in development and other programmes. The economic exclusion of groups was a multifaceted problem and the numerous policies designed to remedy it had to work in conjunction with one another and be mutually reinforcing. He stressed the need for organizations at the national and international levels to strengthen their networking so as to reinforce the complementarity of their work. The empowerment of communities was the most important factor in supporting their identification as partners in the design and implementation of development policies affecting them. While the wider political environment had to be tolerant and supportive of such policy reforms, he stressed that good community leadership was equally important in providing leverage to influence and shape policy.

96. The Chairperson then opened the discussion to other participants. One of the first issues raised concerned access to mainstream media for minority communities in Latin America. The speaker objected to Afro-descendants, including in Costa Rica, being perceived as cultural artefacts that aroused the interest of the media only on particular dates. Afro-descendant and other communities should have the right not only to receive information, but also to have the opportunity to express their views before the country. These views were supported by other speakers. A participant from Guatemala also expressed concern that his community, the Garifuna, were viewed in a similar light and that the issues important to them were invisible to the Government and international agencies, especially UNDP.

97. Participants were also told about of the problems encountered in Nicaragua where the granting of autonomy was not matched by economic resources, resulting in devolved powers and activities not being implemented. The same speaker asked for information about measures which could be taken to ensure the development of communities in situations where central authorities still controlled the purse strings and where they were recognized as the only authority to negotiate with the international community for the purposes of formulating development priorities, plans and programmes.

98. Another participant raised the issues of corruption and bribery, including in India, which had to be tacked in order to ensure that money for development was used for that purpose.

99. Concerns were raised by another speaker about equal access to the structures which allowed communities to achieve progress and development. He stressed the importance of retaining affirmative action programmes, particularly for African-Americans in the United States of America, given the high illiteracy rate among the youth and the generally lower educational standard of this community. In light of the history of mistreatment and discrimination suffered by African-Americans, he expressed disapproval of any rescinding of affirmative action policies by the Government and objected to such measures being proposed in the name of the principle of non-discrimination.

100. Objections to affirmative action programmes for the majority community in Malaysia were raised by another participant, who said that minorities and indigenous peoples in that country were victims of majoritarian rule. He asked for assistance from the international community to help indigenous peoples particularly affected by dam-building projects.

101. A participant from Australia spoke of the need for reconciliation in situations where conflicts had arisen between the desire of remote indigenous communities to maintain a particular lifestyle and Governments that proposed measures to improve the welfare of such communities as measured by human development indicators.

102. As Governments controlled the collection of statistical information, panellists were asked what assistance could be provided to non-governmental organizations from developing countries to help them obtain access to national statistical data and disseminate them. The Chairman of the National Commission on Human Rights and Freedoms of Cameroon requested further information on how minorities could participate in the development process and receive funding for development projects. He stressed that development aid should not be tied nor used to pay for the salaries of external consultants. Minorities needed to be further empowered to ensure that funds for development reached those most in need of such aid.

103. Ms. Burke Dillon, Vice-President of the Inter American Development Bank (IADB) and an invited panellist, welcomed the initiative of the Sub-Commission to establish the Social Forum and the future participation of regional banks and other financial institutions in its work. She spoke of the importance of the seminar and of working with concerned organizations. In response to the concerns expressed by various communities, the Executive Board of IADB had approved a strategy for action on issues of racial and ethnic exclusion and poverty.

104. Another participant speaking on behalf of the Dalits, stated that this very marginalized and excluded community referred to themselves as a minority in social, economic and political terms. She expressed particular appreciation to those organizations that had sought to identify, recognize and name minority groups, as that helped in efforts to break the invisibility and silence imposed on minorities. She asked for further work to be undertaken on studying the obstacles to the recognition of minorities, to ensuring that their rights were protected and to their participation in decision-making on development policies and programmes. In recognition of the progress achieved in mainstreaming gender issues, she appealed to participants to support the strengthening of networking among minorities as that might help their issues to be placed higher on the political agenda and their concerns integrated in development assistance.

105. The situation of ethnic Albanians from the former Yugoslav Republic of Macedonia was referred to as an example of conflict arising from the exclusion and discrimination experienced by a minority. The same speaker referred to the major role presently being played by intergovernmental organizations as well as bilateral and multilateral donor agencies in his country. In light of this reality, he stressed the importance of establishing training programmes for representatives of such organizations on minority rights and issues, of the need for such organizations to recruit staff members belonging to minorities, and of ensuring the participation of minorities in the formulation and implementation of country development strategies and programmes.

106. Mr. Mats Karlsson, Vice-President for External Affairs and the United Nations of the World Bank, initially spoke about the three propositions informing the work of the Bank: empowerment for development, implementation but not the enforcement of human rights, and all human rights for all. He spoke about changes in the Bank's approach to its work having impacted on its policy, institutions and operations. Policy had now entered a post-structural adjustment phase due to the development of Poverty Reduction Strategies with their new focus on attainment of the International Development Goals, as reaffirmed in the Millennium Declaration. Another noteworthy policy change was reflected in the Bank's recent involvement in activities for conflict prevention and development cooperation. Institutions were more difficult to change than policy, he said. The lack of trust in the State, the police and intergovernmental institutions, as well as scepticism with regard to external non-governmental organizations, had been well documented in a major work of the Bank called "Voices of the Poor". Participants were also informed of the broadening of the operational experience of the Bank to encompass projects on judicial reform, land rights, education, and health and community development for indigenous peoples or minorities while it was recognized that people had to lead their own changes if development was really to work and be sustainable. Mr. Karlsson acknowledged that the new emphasis on ensuring the effective participation of people in developmental work was proving challenging, difficult and time-consuming. He also spoke about the need to understand the power relations within countries better. Both State-led or market economies could be corrupted and captured by local elites and in such instances markets would not work for the poor, so there was a need to make markets serve the interests of all the people. Finally, he explained that "empowered development" relied on the information and knowledge, participation and consultation on development strategies, the commitment of leaders, and the ability of communities to hold leaders accountable for their actions as well as to organize themselves and demand their rights.

107. The Chairperson expressed the view that the international financial institutions were undergoing a considerable change of focus in their policies and that he appreciated their greater willingness to engage in human rights forums, especially the future Social Forum.

108. In replying to various questions raised from the floor, Mr. Bengoa agreed with the points raised by the participant from an Afro-descendant community in Nicaragua regarding the dangers of establishing autonomy without resources to implement the devolved powers. He also expressed his agreement with the points raised by the representatives of the Dalit community and the Garifuna community on the need to address the continued invisibility of minority issues. These views were also shared by Mr. Stavenhagen especially with regard to the silence imposed on minority groups. He reaffirmed that the struggle by minorities and indigenous peoples for public and legal recognition was important if their development was to be effective, and that one of the main challenges for the Working Group on Minorities was in addressing the issue of the recognition of minorities.

109. Mr. N'Daiye drew attention to the important information on the nexus between human rights and development issues which had been addressed in the Human Development Report 2000. He also spoke about the practical possibilities for integrating minority standards, concerns and issues within the United Nations development assistance framework, more commonly known as UNDAF, and the need for disaggregated data on the situation of minorities to be incorporated in the United Nations Common Country Assessment system

VI. CONCLUSIONS AND RECOMMENDATIONS

110. By way of conclusion, the Chairperson expressed appreciation for the rich discussion in the seminar from which recommendations for future action would be drawn and presented for adoption by participants.

111. The draft recommendations were presented for consideration and adoption at the seminar's last meeting on 5 September 2001. Most revisions and suggestions were incorporated, apart from references to such matters as the right to autonomy, particularly cultural autonomy, for minorities, which had been raised by Mr. Kartashkin and Mr. Reshetov, and the request for the establishment of a special procedure dealing with the rights of Dalits. The conclusions and recommendations as revised appear below.

112. At the closure of the meeting several participants spoke about the focus of their future work on minority issues and of future cooperation with the Working Group on Minorities. Mr. Bengoa expressed the view that the recommendations of the seminar should be discussed at the next session of the Working Group on Minorities. In his view, they offered an important agenda for future work on minority questions, especially with respect to the issue of the recognition of minorities. He also spoke about the seminar's value in enhancing cooperation between international, regional and national human rights mechanisms, bodies and organizations in addressing minority issues. As the issues of Afro-descendants, Asian descendants, and discrimination on the basis of work and descent had been raised at the seminar, he wished to inform participants a future debate on Afro-descendant issues by the Working Group on Minorities in cooperation with the Inter-American Institute for Human Rights and grass-roots organizations. Ms. Patcheco, representing the Inter-American Institute of Human Rights, echoed these comments and thanked the Working Group for having approached her organization to join in this initiative.

113. Mr. Rezag-Bara, expressed his appreciation for the collaboration between the Working Group on Minorities and the African Commission on Human and People's Rights. He spoke about the increased awareness that existed on the issues and possible approaches to be adopted on the very sensitive question of minorities in Africa, including through the African Commission's own working group. He was pleased that the recommendations adopted by the seminar called for continued collaboration and cooperation with the African Commission and informed participants about an African regional seminar to be held in southern Africa, possibly Botswana, in the coming months.

114. The Chairperson expressed his appreciation to both the African Commission and the Inter-American Institute for their cooperation with the Working Group and their willingness to collaborate in future activities for minorities, and noted the importance of such joint undertakings in developing regional understanding of minority issues.

115. A minority representative took the floor to urge the African Commission to take action to address the concerns of Coloureds in Zimbabwe and requested that his organization be invited to participate in the seminar in Botswana. The problems faced by the Pygmy minority in the

Democratic Republic of the Congo were highlighted by another participant who asked the United Nations and the African Commission to take action to assist his community. He also requested that his community be invited to meetings on minority issues and for the concerns of his community to be given a hearing at every opportunity.

116. Mr. Lattimer spoke of the importance of the seminar's recommendations and of his organization's intention to give them the widest dissemination with a view to promoting action by all the actors identified in those recommendations.

117. The conclusions and recommendations of the Durban International Seminar on Cooperation for the Better Protection of the Rights of Minorities are enumerated below:

Participants at the seminar gave expression to the variety and complexity of situations throughout the world where minorities face discrimination and marginalization. They recognized that in certain instances there has been an abuse and perversion of the concept of minority protection. This happened in South Africa during the apartheid regime when one minority established and consolidated its rule over the majority by imposing and accentuating separate ethnic identities on different components of the non-White majority population. Participants emphasized the link between the prevention of discrimination, equality of treatment and special measures for protecting disadvantaged minorities.

Participants expressed the view that marginalized minority groups require special measures for the protection of their rights and that the issue of the "invisibility" of particular communities and groups and of their concerns must be addressed. It was recognized that greater awareness exists among minority communities and groups from developed countries of how to utilize various universal, regional and national procedures for the protection of their rights. Emphasis was placed, therefore, on developing a strategy for creating awareness of and providing training about the human rights protection regime for those minority communities and groups that remain disadvantaged.

Participants affirmed that national human rights institutions, with an independent status as required under the Paris principles, are in a unique position to act as a bridge between local and international organizations as well as between national NGOs and State entities. In the spirit of the Preamble to the United Nations Declaration on Minorities, which states that the promotion and protection of the rights of persons belonging to minorities contribute to the political and social stability of States in which they live, the national human rights Institutions should provide early warning and recommend early redress to avoid serious conflicts from arising.

Participants stressed that development must be understood and operationalized in ways which take fully into consideration the values and lifestyles of the minorities concerned. Participants also pointed out that even where development projects benefit a majority of the population such projects may negatively impact on or provide no benefits to disadvantaged minorities. While, in traditional development terms, it was often considered satisfactory if social and other services only reached a majority of the population, this may hide the fact that those not reached are the minority groups. This can also generate or intensify conflict.

Participants endorsed the recommendations adopted by the preparatory meeting organized by Minority Rights Group International with the support of the United Nations Working Group on Minorities and the Office of the High Commissioner for Human Rights on "Tackling poverty and discrimination: mainstreaming minority rights in development assistance" held in London on 26 and 27 July 2001.

One of the main recommendations from that meeting referred to the 2015 International Development Goals and urged that minorities be at the centre of strategies for achieving these goals. It was further recommended that UNDP, the World Bank Group and other development actors mainstream minority rights within their country programmes.

Participants at the seminar adopted recommendations aimed at strengthening the role of various entities in protecting the rights of marginalized minority communities and groups. These recommendations draw on those adopted by the Working Group on Minorities at its last session in May 2001. The recommendations that follow are addressed to particular actors.

A. UNITED NATIONS TREATY BODIES AND SPECIAL PROCEDURES

Participants recommend that the United Nations treaty bodies and the special procedures of the Commission on Human Rights:

1. Institutionalize cooperation with regional organizations and national human rights institutions (NHRIs), both with respect to considering information submitted by NHRIs and for meeting with NHRIs following the adoption of recommendations by treaty bodies and special procedures;

2. Consider holding regular meetings with regional organizations and NHRIs to share information on best practices and lessons to be learned from the cooperation instituted;

3. Consider establishing urgent action or early warning as a regular item on the agenda of treaty bodies where these do not already exist;

4. Strengthen cooperation between the treaty bodies and the Sub-Commission on the Promotion and Protection of Human Rights, as well as its subsidiary bodies, particularly the Working Group on Minorities;

5. Pay appropriate attention to the situation of minorities when undertaking fact-finding missions;

6. Urge States to collect data, disaggregated by gender and ethnicity, making it possible to assess the level of enjoyment of human rights by the different groups;

7. Help strengthen the recognition of the principle of self-identification for minority communities and groups;

8. Examine in greater depth the nature, extent and dynamics of discrimination against minorities, in accordance with each mechanism's mandate;

9. Urge Governments to formulate and adopt legislation under whose terms States parties would be required to abide by decisions emanating from international human rights complaints mechanisms.

B. UNITED NATIONS WORKING GROUP ON MINORITIES

Participants recommend that the Working Group on Minorities:

10. Ensure the wider dissemination of its activities and reports and the widest dissemination of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992) as well as the United Nations Guide for Minorities (2001), including making them accessible in the languages of minority communities;

11. Establish a system for the regular exchange of information on minority issues with regional mechanisms and national institutions, including through the organization of meetings and seminars, particularly on conflict prevention and resolution;

12. Support training programmes for minority communities and groups on utilizing global, regional and national human rights mechanisms for the better protection of the rights of minorities;

13. Support the participation of minorities in the drafting of reports authorized by the Working Group;

14. Strengthen the recognition of the principle of self-identification for minority communities and groups, including through assisting in the elaboration of international rules for establishing criteria for the recognition of minorities, based on the principle of self-identification, with a view to such rules being implemented by States;

15. Examine in greater depth the nature, extent and dynamics of discrimination against minorities, in cooperation with minority representatives, Governments, treaty bodies, regional mechanisms and national human rights institutions.

C. OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

Participants recommend that OHCHR:

16. Support further activities for the protection of minorities, especially in 2002, which is the year of the tenth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992), by calling for the translation of the Declaration and the United Nations Guide for Minorities into accessible languages and formats most appropriate to the needs of minority communities and supporting the dissemination of such translations on a special database of the OHCHR web site;

17. Convene a seminar in 2002 with a view to discussing and proposing further measures for the fullest implementation of the rights contained in the Declaration on Minorities and the better protection of the rights of minorities;

18. Ensure the widest dissemination and publication of selected reports and papers authorized by the Working Group on Minorities;

19. Study in further depth the issues of autonomy, particularly cultural autonomy, and integration as possible means for furthering the protection of the rights of minorities;

20. Seek ways and means of ensuring the greater participation of minorities and experts on minority issues from developing countries in the Working Group and its related activities;

21. Strengthen cooperation and relations with NHRIs and regional and other organizations for the better protection of the rights of minorities.

D. MULTILATERAL TRADE, FINANCE AND DEVELOPMENT ACTORS AS WELL AS BILATERAL DEVELOPMENT ACTORS

Participants recommend that development actors:

22. Respect the right of minority communities to set their own priorities for development, in accordance with their own concept of development;

23. Carry out environmental, social, economic and conflict prevention impact assessments of proposed development activities on minorities and ensure that such development activities are not in violation of the rights of minorities;

24. Integrate minority rights in the country programmes, particularly those of UNDP and the World Bank, especially in the context of their efforts to reach the 2015 International Development Goals;

25. Ensure the effective participation of minorities, especially those subject to multiple forms of discrimination, such as women, persons with disabilities and older persons, in the formulation, implementation and evaluation of country strategies, development plans and programmes that affect them, and to build the capacity of minorities and multilateral actors to implement this effective participation;

26. Ensure that country offices are working closely with minorities, including through the use of appropriate methodologies to assess the impact of development strategies on the situation of minorities in the country, especially those who are most marginalized, as well as through the equitable representation of minorities within such country offices and the provision of human rights training for staff covering such matters as the need for United Nations staff to engage actively with minorities in their communities;

27. Establish independent review and complaints procedures that are easily accessible to minorities, to ensure the implementation of the recommendations enumerated above;

28. Provide NHRIs with sufficient funding to fulfil their functions.

E. GOVERNMENTS

Participants recommend that Governments:

29. Recognize minorities within their country, based on the principle of self-identification for minorities, and to assist in the elaboration of international rules for establishing criteria for the recognition of minorities, based on the principle of self-identification, with a view to such rules being implemented at the national level by Governments;

30. Examine in greater depth the nature, extent and dynamics of discrimination against minorities, in cooperation with minority representatives, United Nations and regional mechanisms, as well as NHRIs;

31. Invite the Working Group on Minorities to visit their country, particularly with a view to learning from best practices of group accommodation, to meet with the minority communities and provide training to governmental officials and minority representatives on the standards relating to the rights of persons belonging to minorities and their implementation;

32. Respect the right of minority communities to set their own priorities for development and in accordance with their own concept of development;

33. Ensure the effective participation of minorities, especially those subject to multiple forms of discrimination, such as women, persons with disabilities and older persons, in the formulation, implementation and evaluation of country strategies, development plans and programmes that affect them, including the 2015 International Development Goals, and build the capacity of minorities and governmental actors to implement this effective participation;

34. Formulate, adopt and implement effectively anti-discrimination legislation;

35. Consider drafting a United Nations convention on the protection of the rights of minorities;

36. Recommend the establishment of a United Nations voluntary trust fund for minorities with a view to facilitating the participation of minorities and experts on minority issues from developing countries in the Working Group and the funding of related activities on minorities issues;

37. Consider establishing the mandate of United Nations special rapporteur on minority issues;

38. Ensure the provision of effective national legal remedies to provide redress for violations of the rights of persons belonging to minorities and access to such remedies for members of minorities;

39. Encourage minority communities and groups to submit information to treaty bodies, including through involvement in the preparation of country reports and independent alternative reports, as well as representation in country delegations to treaty bodies;

40. Include in State party reports to treaty bodies information about the existence and recognition of minorities, including criteria for the recognition of minorities under national law;

41. Encourage representatives of minority communities and groups to be nominated for election to treaty bodies;

42. Support the establishment of national human rights institutions, having an independent status as set out in the Paris principles;

43. Support the equitable representation of all minority communities and groups in the composition of staff in national institutions;

44. Support national human rights institutions in their public information role, especially in giving publicity to governmental commissions of inquiry into minorities issues and the reports emanating from such initiatives;

45. Support greater capacity-building of national human rights institutions for establishing subsidiary offices at the district, regional or provincial levels within their respective countries, with a view to strengthening the capacity of NHRIs to act as early warning mechanisms.

46. Commission and publish, at regular intervals, independent assessments of the work of NHRIs, particularly with a view to determining the extent to which they to serve to protect and promote the rights of persons belonging to minorities;

47. Ratify the six main international human rights treaties and their individual complaint procedures, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and its article 14, as well as the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families, regional treaties on human rights and relevant ILO Conventions, as well as the Rome Statute of the International Criminal Court;

48. Formulate and adopt legislation under whose terms States parties would be required to abide by decisions emanating from international human rights complaints mechanisms;

49. Ensure the access of minorities to the media, including through supporting the development of independent media for minority communities in their own languages;

50. Encourage the local and national media to accord greater attention to the social, economic, political and cultural life of minority communities and the promotion and protection of their rights;

51. Encourage the teaching of peace education in schools and develop curricula for intercultural education in schools and universities;

52. Respect the traditional land rights of indigenous peoples and facilitate the resolution of traditional land rights issues, including the titling of land, with the full cooperation of affected communities;

53. Collect data disaggregated by gender and ethnicity, especially through censuses, in consultation with minorities, that provides, inter alia, information on discrimination against minorities and on the enjoyment of their human rights;

54. Carry out environmental, social, economic and conflict-prevention impact assessments of proposed development activities on minorities, including bilateral development activities, to ensure that such development activities respect the rights of minorities;

55. Ensure that the rights of minorities are respected by all legal persons living or operating in their countries, including national and transnational corporations.

F. REGIONAL HUMAN RIGHTS MECHANISMS AND INSTITUTIONS

Participants recommend that regional human rights mechanisms:

56. Consider establishing or strengthening regional conflict prevention and resolution mechanisms, and cooperate with the Working Group on Minorities in this regard;

57. Consider establishing scholarships for training minority and community representatives in minority rights protection;

58. Assist national Governments in the implementation of recommendations emanating from regional and international human rights mechanisms;

59. Support the organization of meetings of international, regional and national human rights bodies with a view to ensuring the consistency and harmonization of decisions adopted by such bodies;

60. Participate regularly in United Nations activities concerned with the better protection of the rights of minorities;

61. Support greater cooperation between the Working Group on Minorities and regional mechanisms and institutions, especially joint initiatives proposed with the African Commission on Human and Peoples' Rights, the Inter-American

Commission on Human Rights, the Inter-American Institute for Human Rights, the Council of Europe and the Organization for Security and Cooperation in Europe. In that regard, mention should be made of such proposed cooperation as that between the Sub-Commission's working groups and the African Commission to study in further depth the concepts of minority communities and groups and indigenous peoples in Africa;

62. That the Working Group on the Rights of Indigenous Populations and Communities of the African Commission on Human and Peoples' Rights consider incorporating the rights contained in the Declaration on Minorities in its future declaration on indigenous communities, and that the African Commission on Human and Peoples' Rights consider drafting an additional protocol to the African Charter on the protection of the rights of minority communities and indigenous peoples;

63. With respect to the Inter-American human rights system, that it complete the drafting of an Inter-American declaration dealing with the rights of indigenous peoples, consider establishing a special rapporteur to deal with issues relating to Afro-descendants within the Inter-American human rights system, and strengthen the follow-up procedures for implementing the recommendations and decisions emanating from the Inter-American human rights bodies and mechanisms.

G. MEDIA

Participants recommend that the media:

64. Ensure the access of minorities to the media, including through supporting the development of independent media for minority communities in their own languages;

65. Increase awareness of the social, economic, political, civil and cultural life of minority communities and the promotion and protection of their rights;

66. Support minority communities in disseminating, inter alia, the concluding observations of international human rights treaty bodies.

H. NATIONAL HUMAN RIGHTS INSTITUTIONS

Participants recommend that NHRIs:

67. Facilitate the identification of minority communities within their countries, especially in cooperation with academics and the concerned minority communities in accordance with the principle of self-identification;

68. Develop the role of national human rights institutions as early warning mechanisms for conflict prevention, including through: the establishment of branches of national human rights institutions at the district, local or regional

levels; the organization of public hearings on minority issues with representatives of communities and groups; and the dissemination of the contents of research reports or commission of inquiry reports on minority-related issues;

69. Strengthen cooperation with academic institutions and other relevant actors, especially representatives of minority communities, to undertake research on the social, political, economic, civil and cultural rights of minorities;

70. Strengthen the exchange of information with regional and international bodies and provide information on legislation and cases from the highest-level courts relating to minority rights;

71. Respect the traditional land rights of indigenous peoples and facilitate, through mediation, the resolution of traditional land rights issues, including the titling of land, with the full cooperation of the affected communities;

72. Report to the international and regional treaty bodies and special procedures, especially on the action taken by Governments to implement the recommendations of such bodies and procedures;

73. Encourage Governments to formulate and adopt legislation under whose terms States parties would be required to abide by decisions emanating from international human rights complaints mechanisms;

74. Strengthen the public information and educational activities of national human rights institutions, to include training for judges and law enforcement officials on the rights of minorities, the training of community leaders on the rights of minorities and conflict resolution skills, and assisting communities in negotiating with Governments and multilateral institutions for the better protection of the rights of minorities;

75. Monitor the impact of development plans and programmes on minorities, to ensure, inter alia, that such programmes do not impact negatively on minorities, including marginalized groups within minority communities, nor violate their rights.

I. NON-GOVERNMENTAL ORGANIZATIONS

Participants recommend that NGOs:

76. Support the training of lawyers, especially those from minority communities, on the legal protection regimes for persons belonging to minorities at the national, regional and international levels, in cooperation with national institutions, academic institutions and regional and universal mechanisms;

77. Support initiatives, especially of NHRIs, to train community leaders on the rights of minorities and conflict resolution skills, and assist communities to negotiate with Governments and multilateral institutions, for the better protection of the rights of minorities;

78. Share with minority communities information on best practice for drafting alternative country reports to the United Nations treaty bodies and on disseminating concluding observations made by treaty bodies.

Annex

SELECTED LIST OF INVITED PARTICIPANTS

Members of the United Nations Working Group on Minorities

Mr. José Bengoa
Mr. Asbjørn Eide (Chairperson)
Mr. Vladimir Kartashkin
Ms. Deepika Udagama

Member of the United Nations Working Group on Indigenous Populations

Ms. Erica-Irene Daes (Chairperson)

Members of United Nations treaty bodies

Ms. Charlotte Abaka, Chairperson, Committee on the Elimination of Discrimination against Women
Mr. Peter Burns, Chairperson, Committee against Torture
Mr. Rajsoomer Lallah, member, Human Rights Committee
Mr. Andreas Mavrommatis, member, Committee against Torture
Ms. Awa N'Deye Ouedraogo, member, Committee on the Rights of the Child
Mr. Yuri Reshetov, member, Committee on the Elimination of Racial Discrimination

United Nations special procedures mandate holders

Mr. Abdelfattah Amor, Special Rapporteur on religious intolerance
Ms. Radhika Coomaraswamy, Special Rapporteur on violence against women
Ms. Gabriela Rodríguez Pizarro, Special Rapporteur on the human rights of migrants
Mr. Rodolfo Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people

United Nations specialized agencies

Mr. Kishore Singh, Programme Specialist, Education for Human Rights, UNESCO

International financial institutions

Ms. Burke Dillon, Vice-President, Inter-American Development Bank
Mr. Mats Karlsson, Vice-President, World Bank

Regional experts

Ms. Christina Cerna, Secretariat, Inter-American Commission on Human Rights
Ms. Gilda Pacheco, Inter-American Institute of Human Rights
Mr. Kamel Rezag-Bara, Vice-Chairperson, African Commission on Human and Peoples' Rights
Ms. Samia Slimane, consultant, OHCHR
Ambassador Jorge Taiana, former Executive Secretary, Inter-American Commission on Human Rights

Governments

All States Members of the United Nations and observers were invited

National human rights institutions

Dr. Eduardo Cifuentes, Defensor del Pueblo, Colombia
Mr. Morten Kjaerum, Danish Centre for Human Rights
Mr. Nils Muiznieks, Latvian Centre for Human Rights and Ethnic Studies
Justice Emile Short, Commission on Human Rights and Administrative Justice, Ghana

Non-governmental organizations and research organizations

Mr. Mohammad-Mahmoud Mohamedou, International Council for Human Rights Policy
Mr. Mark Lattimer, Ms. Angela Haynes and Ms. Corinne Lennox, Minority Rights Group International

The seminar was open to all non-governmental organizations and minority representatives accredited to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.